

John W. Huber (Utah Bar No. 7226)
Daniel J. Wadley (Utah Bar No. 10358)
Marc T. Rasich (Utah Bar No. 9279)
Alexander Baker (Utah Bar No. 17163)
GREENBERG TRAURIG, LLP
222 South Main Street, Suite 1730
Salt Lake City, Utah 84101
Telephone: (801) 478-6900
john.huber@gtlaw.com
wadleyd@gtlaw.com
marc.rasich@gtlaw.com
bakera@gtlaw.com

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

ERIC SCHIERMEYER, Derivatively on Behalf
of Nominal Defendant, BLOCKCHAIN GAME
PARTNERS, INC. D/B/A GALA GAMES,

Plaintiff,

vs.

WRIGHT W. THURSTON and TRUE NORTH
UNITED INVESTMENTS, LLC,

Defendants,

and

BLOCKCHAIN GAME PARTNERS, INC.
D/B/A BGP GAMES,

Nominal Defendant.

**DECLARATION OF JENNIFER
MILLER IN SUPPORT OF OPPOSITION
TO MOTION TO FREEZE ASSETS**

Case No. 2:23-cv-00589-HCN-DAO

Judge Howard C. Nielsen

Magistrate Judge Daphne A. Oberg

1. I, Jennifer Miller, am over the age of 18 and have personal knowledge of the facts set forth in this declaration. If asked to testify, I could and would competently testify thereto.

2. From 2019 to 2020, I personally performed the bookkeeping for Blockchain Game Partners, LLC (“BGP”), d/b/a Gala Games. I recorded revenue and expenses and maintained the balance sheet.

3. The information contained in this declaration is based on my work for BGP, my review of accounts and records, and from my services performed for True North United Investments, LLC (“True North”).

4. BGP sold or allocated 20,000 nodes during the first year of the distribution of Gala digital rewards (“Gala”). At this time, True North and Eric Schiermeyer each owned 50% of the company. The company decided to allocate 7,000 nodes to True North and 7,000 to Schiermeyer. Another 1,000 nodes were allocated to Connect United, LLC, a company that had partnered with BGP on the intellectual property and to sell the nodes to customers which was integral to the success of BGP. The remaining 5,000 nodes were sold to users

5. Initially, a single wallet was set up to receive Gala for True North and Schiermeyer’s nodes. True North and Schiermeyer both held the keys to this wallet. They planned to divide the Gala in this wallet to separate wallets controlled by True North and Schiermeyer in the future. The address of this wallet is
0x381e840f4ebe33d0153e9a312105554594a98c42.

6. I was sent a spreadsheet called “Gala Metrics,” which was authored by Schiermeyer in June 2020. Schiermeyer directed that revenue for BGP would be earned in four ways. Schiermeyer did not include any expected revenue from mining of the GALA tokens,

described by Schiermeyer as emissions. Gala with company nodes on this spreadsheet. A true excerpt of this spreadsheet appears in the following image:

BLOCKCHAIN GAME PARTNERS Financial Model Summary Version: 06/07/20													
Basic Assumptions													
1. We raise \$10MM and sell 4-12MM in nodes													
2. We release 11 blockchain enabled games over 7 years at a cadence of about 2 games/year, with genres evenly split between mid-core Role Playing Games (RPG) and broadly accessible Simulation/Strategy games (Sim)													
3. Games would be cross-platform (webgl) and include traditional Free-to-Play monetization features as well as blockchain game assets (the revenue split between blockchain and F2P would shift from 60/40 for the first games to 90/10 over time)													
4. Our company game development budget would include a buffer for prototypes and game projects that get killed before release (so we can have 2-3 project starts for every game that makes it to market, thus boosting our hit rate)													
5. We would build world class publishing, marketing, and analytics teams in California													
6. We would spend about 5% of game revenue on paid user acquisition to bring players into our games													
7. Revenue to Blockchain Gaming Partners would come from four sources: (1) Traditional F2P monetization, (2) initial sale of blockchain assets to players, and (3) transaction fees on the resale of blockchain assets between players. (4) appreciation of digital assets													
8. Node licensees would establish a decentralized game platform allowing our game coins to eventually transition from stable coins to non-stable coins (float).													
9. Node licensees would also be paid 7% of F2P revenue and initial blockchain asset sales (from BGP->players) to cover server hosting for game state and player state data													
10. Blockchain assets would turn over about 5 times over the life of a game (7 years) with transaction velocity being highest in year one and then decaying over time													
11. The market performance for our 11 games is projected to be a mix of HIGH, MEDIUM, and LOW cases with most delivering at a MEDIUM level (where HIGH = Top 25 chart position, MEDIUM = Top 25-50 chart position, and LOW = Top 50-200 chart position)													
12. Most players are acquired via referral marketing strategies													
13. We used actual data from Townstar to predict the HIGH, MEDIUM and LOW scenarios													

7. On September 11th and 12th, 2020, Gala was initially minted to the Ethereum blockchain. This was a bulk mint that distributed Gala to wallets based on the mining performed during the prior 14 months. On September 11, 2020, 1,000,000 Gala were minted to the ERC-20 blockchain pursuant to the contract 0x15d4c048f83bd7e37d49ea4c83a07267ec4203da to the joint wallet. On September 12, 2020, an additional 19,972,137,815 Gala was minted to the same joint wallet. A true excerpt of a spreadsheet depicting this appears in the following image:

To_PrivateTag	TokenValue	Gala Price History	USDValueDayOfTx	In/Out	Estimated Price	Token Balance
42 Master Node - 0 Travis	1,000,000	0.00148525	\$ 1,426.20	1,000,000.00	\$ 1,485.25	1,000,000.00
7b -	100,000	0.00148525	N/A	(100,000.00)	\$ (148.53)	900,000.00
42 Master Node - 0 Travis	19,972,134,815	0.00148525	\$ 28,484,249.20	19,972,134,815.00	\$ 29,663,613.23	19,973,034,815.00

8. To mitigate the single point of failure having a significant amount of Gala in one wallet, True North and Schiermeyer caused 19,688,861,737 Gala to be spread out from the joint wallet to 99 wallets that were likewise controlled by both True North and Schiermeyer. This occurred on September 14, 2020.

9. On December 31, 2020, Schiermeyer, or someone at his direction, transferred 107,000,000 Gala to his personal wallet (0x5C5F2D6b503fF195cB989cbcfe73D92858c491a9).

Because half of the Gala in the joint wallets belonged to Schiermeyer, I did not believe there was any issue with this transfer.

10. Assuming a modest price of .00148525, the minting in September 2020 generated \$29,665,098.48 in value. None of this was recognized as revenue by BGP for the earning of or receiving these 19.6 billion Gala.

11. As far as I understand, BGP's 2020 tax returns, which I assisted in preparing, do not recognize any of these 19.6 billion Gala as held by the Company.

12. Based on conversations I had with Thurston, I understand that in February 2021, in connection with a corporate acquisition of Sandbox Games, True North and Schiermeyer discussed dividing the contents of the 99 joint wallets.

13. On February 3, 2021, True North elected to transfer part of its share of the Gala from the joint wallets into 43 wallets solely controlled by True North (the "True North Wallets"). Schiermeyer then transferred part of his share of the Gala from the joint wallets into wallets solely controlled by him on April 15, 2021 (the "Schiermeyer Wallets").

14. BGP did not have sufficient revenue-generated Gala to close the acquisition of Sandbox Games. Thus, in connection with the acquisition, True North and Schiermeyer caused 67,000,000 Gala to be sent from 4 jointly controlled wallets to Sandbox principals. This transaction was recorded as coming from the BGP shareholder's personal Gala holdings, True North and Eric Schiermeyer respectively. A true excerpt of a spreadsheet depicting these four transfers to the Sandbox principals appears in the following image:

0x9d49db39f2fb36362522d7dd6f99a91ccb2b9b9e	(185,839,569.00)				
		(800,000.00)		9/18/2020	0x7d1473CF0A132751ED9BD3B2F501abf18FD27d42
		(4,000,000.00)	Bitrue	9/14/2020	0xF872507274a7455F369BB3a010C712557CC036ff
		(162,039,569.00)	ERIC 1	4/15/2021	0x6Bd43B3c5B8197C8d3bCFFb1E48d212c847e9497
		(19,000,000.00)	SANDBOX	4/12/2021	0x845c7EC68e7e0379E822e5fe4eA067f2440263D1
0x5900f88434bf5fc5ba763f86d69690ec0087ba7	(188,863,143.00)				
		(800,000.00)		9/18/2020	0x3203B3FD208F9CE9010ecE89b0Ba574AB8eC8d61
		(4,000,000.00)	Bitrue	9/14/2020	0xF872507274a7455F369BB3a010C712557CC036ff
		(168,063,143.00)	ERIC 3	4/15/2021	0x62491845069E8b0c305181B440640C852f8F3F05
		(16,000,000.00)	SANDBOX	4/14/2021	0x174FED3a4D59F3F021080206748691c4E4c3223
0x7fda06575b5e4a40e97c346047b84230d7629a0c	(191,122,803.00)				
		(4,000,000.00)	Bitrue	9/14/2020	0xF872507274a7455F369BB3a010C712557CC036ff
		(171,122,803.00)	ERIC 4	4/15/2021	0x5953D78b99ac7B17b1740883BC7ae5Dfd0BBA0fC
		(16,000,000.00)	SANDBOX	4/14/2021	0x3671985b846a411eC08EA25243BaeCE7fa3Ea073
0x7d794732d90d54621981f8c862c5b726bb1d7b72	(208,980,672.00)				
		(1,100,000.00)		9/18/2020	0xE173596307D9572dc088442BB2526553a87dC5B7
		(4,000,000.00)	Bitrue	9/14/2020	0xF872507274a7455F369BB3a010C712557CC036ff
		(80,880,672.00)	ERIC 2	4/15/2021	0x2E3a0488Fbe94B7b5AD98419dEBFB8b2CcD8d0a33
		(107,000,000.00)	Eric Gala App	12/31/2020	0x5C5F2D6b503f195cB989cbcfe73D92858c491a9
		(16,000,000.00)	SANDBOX	4/12/2021	0x0f4A23879f26f706f223ea3FbE572A5e1F9FA92A

15. Additional transfers from the 99 joint wallets were made to some individuals as well as to accounts at centralized exchanges. These were not recorded as expenses for BGP.

16. On March 1, 2021, a segregated wallet was funded by True North and Schiermeyer with 2,000,000,000 Gala from the joint wallets (the “Segregated Wallet”). This represented a \$55,378,000 investment for BGP projects so that, to my understanding, in the event of economic downturn, the project would have funding beyond revenue. This wallet was recorded as shareholder capital contributions and constituted the only company wallet funded by True North and Schiermeyer. A true screenshot depicting this transfer appears in the following image:

Etherscan

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Transaction Details < >

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Overview Logs (1) State Comments

② Transaction Hash: 0xfd19aa4b432c5ba0387f99525fc8f3c8f48f04b9a9b4c2b2e923088d49efc195 ⓘ

② Status: Success

② Block: 11953673 6133778 Block Confirmations

② Timestamp: 920 days 4 hrs ago (Mar-01-2021 05:31:33 PM +UTC)

④ Transaction Action: Transfer 2,000,000,000 GALA To 0x17BFD...36b3F6Da

② Sponsored:



② From: 0x381E840F4eBe33d0153e9A312105554594A98C42 Master Node - 0 Travis ⓘ

② Interacted With (To): 0x15D4c048F83bd7e37d49eA4C83a07267Ec4203dA (GALA: Old GALA Token) ⓘ ✓

② ERC-20 Tokens Transferred: From Master Node - 0 Travis To Games Fund 2 BN Gala - Eric For 2,000,000,000 ⓘ \$55,378,799.29 ⓘ Gala... (GALA...)

② Value: 0 ETH (\$0.00)

② Transaction Fee: 0.012861 ETH \$21.21

② Gas Price: 250 Gwei (0.00000025 ETH)

17. Based on my review of blockchain records, by April 15, 2021, there was more than 30,000,000,000 Gala in circulation.

18. BGP continued to derive revenue from product sales. Its revenue was primarily earned in crypto, including Gala. It was routinely liquidating this earned Gala through Jason Brink's account at crypto exchange Binance.

19. From September 16, 2021, through June 13, 2022, BGP liquidated roughly 2,168,665,982 Gala for around \$515,000,000 and 2,031 ETH worth in excess of \$4,200,000.

20. On or around June 29, 2022, BGP sales revenue had diminished to the point where the company needed additional funding. Schiermeyer told True North he was contributing

200,000,000 additional Gala to BGP and requested True North to contribute the same amount. A true screenshot depicting this transfer appears in the following image:

The screenshot shows a transaction on Etherscan. The transaction hash is 0x095119840378ce5a925113f83be05b9b89c0aaf9d6c0afc80d26986b5fbc0efd. It was successful, occurring in block 15045739 with 3041811 confirmations. The timestamp is 435 days ago (Jun-29-2022 03:52:45 PM +UTC). The transaction action was a transfer of 200,000,000 GALA to 0x46e343...1472bCb7. The transaction was sponsored by BC.GAME, featuring a banner for the UEFA Champions League and 100% cashback on your bet. The transaction originated from TN VAULT 1 and interacted with a Binance Account Used for swap. The value transferred was 0 ETH (\$0.00), with a transaction fee of 0.001476552573782048 ETH (\$2.43) and a gas price of 42.390691714 Gwei (0.000000042390691714 ETH).

21. True North promptly contributed the requested 200,000,000 Gala from one of the 43 True North Wallets to BGP. This equated to roughly \$11,300,000 at the time of transfer.

22. BGP continued to liquidate revenue Gala it had earned through product sales to pay for operations.

23. Beginning in June 2022, BGP also began to liquidate the 2,000,000,000 Gala in the Segregated Wallet. A true excerpt of a spreadsheet depicting these liquidations appears in the following image:

B	C	D	E	F	G	H	I
Txn Hash	Method	Date	From	To	Value	Token	
0xa3021c Mint Bulk	5/16/2023 Null: 0x000...000		IN	Binance Account Used for swap	0.00000076	Gala(GALA)	
0x7cc07b Transfer	5/8/2023 0x31513C...e3a2DB67		IN	Binance Account Used for swap	6,000	ApeCoin(APE)	
0xbeaeedd Transfer	11/30/2022 Gala Chest -1 ERIC		IN	Binance Account Used for swap	50,000,000	Gala(GALA)	
0x6b103C Transfer	11/27/2022 Games Fund 2 BN Gala - Eric		IN	Binance Account Used for swap	50,000,000	Gala(GALA)	
0x340c8a Transfer	11/22/2022 Games Fund 2 BN Gala - Eric		IN	Binance Account Used for swap	50,000,000	Gala(GALA)	
0x668ab1 Transfer	11/15/2022 Gala Hard Wallet 1		IN	Binance Account Used for swap	54,479,766.32	Gala(GALA)	
0x16841€ Transfer	11/14/2022 Gala Income 1		IN	Binance Account Used for swap	9,902,596.70	Gala(GALA)	
0x4f8763 Transfer	11/7/2022 Gala Income 1		IN	Binance Account Used for swap	11,248,613.46	Gala(GALA)	
0x078da2 Transfer	11/1/2022 Gala Income 1		IN	Binance Account Used for swap	66,848,537.72	Gala(GALA)	
0x03065€ Transfer	9/9/2022 Master Node - O Travis		IN	Binance Account Used for swap	638,562,668.86	Gala(GALA)	
0x6e80e3 Transfer	8/16/2022 Gala Income 1		IN	Binance Account Used for swap	29,664,843.21	Gala(GALA)	
0x1a69c5 Transfer	7/30/2022 Gala Income 1		IN	Binance Account Used for swap	41,981,194.71	Gala(GALA)	
0x6847a€ Transfer	7/22/2022 Games Fund 2 BN Gala - Eric		IN	Binance Account Used for swap	200,000,000	Gala(GALA)	
0x2c99e2 Transfer	7/19/2022 0x346afe...Dc379078		IN	Binance Account Used for swap	42,794.34	Tether USD(USDT)	
0x18d4b€ Transfer	7/19/2022 0x0BF12E...a730B5cD		IN	Binance Account Used for swap	64,051.01	Tether USD(USDT)	
0x4ba87€ Transfer	7/9/2022 Games Fund 2 BN Gala - Eric		IN	Binance Account Used for swap	200,000,000	Gala(GALA)	
0x095115 Transfer	6/29/2022 TN VAULT 1		IN	Binance Account Used for swap	200,000,000	Gala(GALA)	
0x5b328C Transfer	6/29/2022 TN VAULT 1		IN	Binance Account Used for swap	1,000	Gala(GALA)	
0x0bb218 Transfer	6/21/2022 Games Fund 2 BN Gala - Eric		IN	Binance Account Used for swap	200,000,000	Gala(GALA)	
0xf54f28€ Transfer	6/14/2022 Games Fund 2 BN Gala - Eric		IN	Binance Account Used for swap	200,000,000	Gala(GALA)	
0xa61ad1 Transfer	6/13/2022 Gala Income 1		IN	Binance Account Used for swap	93,840,471.74	Gala(GALA)	
0xca69a0 Transfer	3/30/2022 Gala Income 1		IN	Binance Account Used for swap	95,342,634.57	Gala(GALA)	
0x8fd3ed1 Transfer	3/22/2022 Gala Hard Wallet 1		IN	Binance Account Used for swap	100,000,000	Gala(GALA)	
0x4b5a22 Transfer	2/26/2022 Gala Income 1		IN	Binance Account Used for swap	37,003,987.32	Gala(GALA)	
0x111f0a Transfer	2/17/2022 Gala Income 1		IN	Binance Account Used for swap	179,428,936.03	Gala(GALA)	
0x14567e Transfer	1/29/2022 Gala Hard Wallet 1		IN	Binance Account Used for swap	200,000,000	Gala(GALA)	
0xa8ba31 Transfer	1/27/2022 Gala Income 1		IN	Binance Account Used for swap	58,055,726.40	Gala(GALA)	
0xf0112d Transfer	1/24/2022 Gala Hard Wallet 1		IN	Binance Account Used for swap	150,000,000	Gala(GALA)	
0x09ac6a Transfer	1/16/2022 Gala Hard Wallet 1		IN	Binance Account Used for swap	150,000,000	Gala(GALA)	
0xe086b3 Transfer	1/10/2022 Gala Hard Wallet 1		IN	Binance Account Used for swap	100,000,000	Gala(GALA)	
0x3cc1a7 Transfer	1/6/2022 Gala Income 1		IN	Binance Account Used for swap	39,496,556.94	Gala(GALA)	
0xdaaf53 Transfer	12/16/2021 Gala Income 1		IN	Binance Account Used for swap	198,272,343.39	Gala(GALA)	
0xa61ea4 Transfer	12/4/2021 Gala Income 1		IN	Binance Account Used for swap	50,000,000	Gala(GALA)	
0x2e2ba9 Transfer	11/30/2021 Gala Income 1		IN	Binance Account Used for swap	28,000,000	Gala(GALA)	
0xf667f4€ Transfer	11/22/2021 Gala Income 1		IN	Binance Account Used for swap	34,846,370.72	Gala(GALA)	
0x505224 Transfer	10/21/2021 Gala Income 1		IN	Binance Account Used for swap	50,000,000	Gala(GALA)	
0x105b5€ Transfer	10/14/2021 Gala Income 1		IN	Binance Account Used for swap	100,000,000	Gala(GALA)	
0x0a6a0€ Transfer	10/4/2021 Gala Income 1		IN	Binance Account Used for swap	75,827,521.13	Gala(GALA)	
0x6d0c86 Transfer	10/2/2021 Gala Hard Wallet 1		IN	Binance Account Used for swap	100,000,000	Gala(GALA)	
0xc1b711 Transfer	9/19/2021 Gala Hard Wallet 1		IN	Binance Account Used for swap	100,000,000	Gala(GALA)	
0x87174c Transfer	9/17/2021 Gala Hard Wallet 1		IN	Binance Account Used for swap	100,000,000	Gala(GALA)	
0xf1805d Transfer	9/16/2021 Gala Hard Wallet 1		IN	Binance Account Used for swap	50,000,000	Gala(GALA)	
0x5767f0 Transfer	9/16/2021 Gala Hard Wallet 1		IN	Binance Account Used for swap	50,000,000	Gala(GALA)	
0x78efc5 Transfer	9/16/2021 Bitrue		IN	Binance Account Used for swap	28,551,433.92	Gala(GALA)	

24. BGP continued liquidating the Segregated Wallet at Binance and Genesis until the wallet was completely depleted in January 2023. A true excerpt of a spreadsheet depicting these liquidations appears in the following image:

C	D	E	F	G	H	I
Date Time (UTC)	From	To	Value	Token	USD	
6/3/2023 0:00	Unburned Gala	IN GALA GENESIS EXCHANGE WALLET	249,999,990	Gala(GALA)	\$ 7,576,249.70	
6/3/2023 0:00	Unburned Gala	IN GALA GENESIS EXCHANGE WALLET	10	Gala(GALA)	\$ 0.30	
4/12/2023 0:00	Gala Chest -1 ERIC	IN GALA GENESIS EXCHANGE WALLET	170,000,000	Gala(GALA)	\$ 7,207,150.00	
3/23/2023 0:00	Gala Chest - 5 ERIC	IN GALA GENESIS EXCHANGE WALLET	140,000,000	Gala(GALA)	\$ 5,828,200.00	
3/15/2023 0:00	Master Node - 0 Travis	IN GALA GENESIS EXCHANGE WALLET	150,000,000	Gala(GALA)	\$ 6,091,125.00	
3/6/2023 0:00	Gala Chest - 2 ERIC	IN GALA GENESIS EXCHANGE WALLET	66,000,000	Gala(GALA)	\$ 2,492,325.00	
2/22/2023 0:00	Gala Chest -1 ERIC	IN GALA GENESIS EXCHANGE WALLET	155,000,000	Gala(GALA)	\$ 7,023,825.00	
2/12/2023 0:00	Gala Chest -1 ERIC	IN GALA GENESIS EXCHANGE WALLET	160,000,000	Gala(GALA)	\$ 7,127,600.00	
2/8/2023 0:00	Gala Chest -1 ERIC	IN GALA GENESIS EXCHANGE WALLET	135,000,000	Gala(GALA)	\$ 6,574,500.00	
2/2/2023 0:00	Gala Chest -1 ERIC	IN GALA GENESIS EXCHANGE WALLET	36,000,000	Gala(GALA)		
2/1/2023 0:00	Gala Chest - 2 ERIC	IN GALA GENESIS EXCHANGE WALLET	111,000,000	Gala(GALA)	\$ 8,096,760.00	
1/24/2023 0:00	Gala Chest -1 ERIC	IN GALA GENESIS EXCHANGE WALLET	47,572,802	Gala(GALA)		
1/23/2023 0:00	Gala Hard Wallet	IN GALA GENESIS EXCHANGE WALLET	47,427,198.60	Gala(GALA)	\$ 4,579,000.03	
1/19/2023 0:00	Games Fund 2 BN Gala - Eric	IN GALA GENESIS EXCHANGE WALLET	110,000,000	Gala(GALA)	\$ 4,973,320.00	
12/27/2022 0:00	Games Fund 2 BN Gala - Eric	IN GALA GENESIS EXCHANGE WALLET	100,000,000	Gala(GALA)	\$ 1,641,100.00	
12/15/2022 0:00	Games Fund 2 BN Gala - Eric	IN GALA GENESIS EXCHANGE WALLET	65,375,249.32	Gala(GALA)	\$ 1,580,773.53	
12/15/2022 0:00	Gala Hard Wallet	IN GALA GENESIS EXCHANGE WALLET	34,624,750.68	Gala(GALA)	\$ 837,226.47	
12/12/2022 0:00	Games Fund 2 BN Gala - Eric	IN GALA GENESIS EXCHANGE WALLET	100,000,000	Gala(GALA)	\$ 2,503,000.00	
12/9/2022 0:00	Games Fund 2 BN Gala - Eric	IN GALA GENESIS EXCHANGE WALLET	100,000,000	Gala(GALA)	\$ 2,609,250.00	
12/5/2022 0:00	Gala Hard Wallet	IN GALA GENESIS EXCHANGE WALLET	100,000	Tether USD(USDT)	\$ 99,980.00	
12/5/2022 0:00	Gala Hard Wallet	IN GALA GENESIS EXCHANGE WALLET	838,409.57	USD Coin(USDC)	\$ 837,990.36	
12/5/2022 0:00	Games Fund 2 BN Gala - Eric	IN GALA GENESIS EXCHANGE WALLET	50,000,000	Gala(GALA)	\$ 1,287,375.00	
12/18/2022 0:00	Binance 14	IN GALA GENESIS EXCHANGE WALLET	5,000	Gala(GALA)	\$ 102.59	

25. After the Segregated Wallet was liquidated, Schiermeyer began liquidating funds from the Schiermeyer Wallets.

26. Schiermeyer has transferred in excess of 1,000,000,000 Gala from the joint wallets without authorization from True North.

I declare, under penalty of perjury under the laws the United States of America, that the foregoing is true and accurate.

DATED: September 11, 2023

/s/ Jennifer Miller
Jennifer Miller

CERTIFICATE OF SERVICE

I hereby certify that on 11 September 2023, a true and correct copy of the foregoing was filed with the Court's electronic filing system and thereby served on counsel of record.

Paul W. Shakespear
Cameron Cutler
Natalie Beal
SNELL & WILMER LLP
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, UT 84101
pshakespear@swlaw.com
ccutler@swlaw.com
nbeal@swlaw.com

Abram L. Moore
Christian A. Zazzali
K&L GATES LLP
70 West Madison Street, Suite 3100
Chicago, IL 60602
abe.moore@klgates.com
christian.zazzali@klgates.com

GREENBERG TRAURIG, LLP

/s/ Lindsey A. Wharton